

202 KAR 7:520. Allocation of block grant funding assistance for emergency medical services.

RELATES TO: KRS 311A.010, 311A.030(2), 311A.035, 311A.050, 311A.055, 311A.060, 311A.155, 311A.190, 2 C.F.R. 215-225

STATUTORY AUTHORITY: KRS 311A.155(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.115(3) authorizes the Kentucky Board of Emergency Medical Services to promulgate administrative regulations concerning the receiving and disposing of grant funds. KRS 311A.155 authorizes the Kentucky Board of Emergency Medical Services to maintain a block grant fund program for the purpose of assisting units of local government in the provision of emergency medical services. This administrative regulation establishes standards and criteria governing the allocation of emergency medical services funding assistance to eligible applicants.

Section 1. Eligibility to Receive EMS Grant Funding. (1) A county in the Commonwealth of Kentucky shall be eligible to apply for and may receive emergency medical services (EMS) grant funding if the applicant county meets the requirements in this administrative regulation.

(2) A merged government shall not lose eligibility pursuant to this administrative regulation and may apply for and receive EMS grant funding if the applicant meets all requirements of this administrative regulation.

(3) This administrative regulation shall not be construed to grant an agency licensed pursuant to 202 KAR 7:501 the authority to apply for or receive EMS grant funding independent of the county.

(4) A county or merged government that applies for EMS grant funding shall maintain, within its boundaries and for the benefit of its inhabitants, one (1) or more agencies that provide primary EMS 911 response and transport service.

(5) A county or merged government shall be considered to maintain EMS 911 level of service by:

(a) Holding the license for and operating a county-owned Class I ground ambulance service;

(b) Holding the license for a Class I ground ambulance service but contracting with a licensed service to operate within the county;

(c) Allowing an agency or multiple agencies to operate within the county to provide EMS 911 level of service for the benefit of the inhabitants of that area; or

(d) Not holding the license for, but bearing the responsibility of, operating or allowing the operation of, an agency or multiple agencies within the county to provide EMS 911 level of service for the benefit of the inhabitants of that area.

(6) A county or merged government shall be eligible to receive EMS grant funding only for agencies licensed as Class I. Other classes of service shall not be eligible.

(7) A county or merged government shall not disperse funds to a licensed agency that cannot provide evidence of compliance with KBEMS' data collection requirements pursuant to KRS 311A.190 and 202 KAR 7:540.

(8) An agency that is not compliant with data collection requirements in KRS 311A.190 and 202 KAR 7:540 may submit a plan of correction for approval by the executive director. A plan shall include at least:

(a) A detailed outline of measures that shall be taken to achieve compliance;

(b) Proof of equipment necessary to achieve compliance;

(c) Deadlines that shall be met in achieving compliance that shall not extend beyond two (2) years from the approval of the plan of correction; and

(d) A stipulation that an agreed percentage of awarded grant funds shall be used in taking

measures that shall achieve compliance with data collection requirements in KRS 311A.190 and 202 KAR 7:540.

(9) An agency that is following an approved plan of correction for data collection compliance pursuant to KRS 311A.190 and 202 KAR 7:540 may be eligible to obtain block grant funds from an applicant county or merged government.

(10) An agency undergoing disciplinary action pursuant to KRS 311A.060 shall be eligible to receive funds if in compliance with board-recommended disciplinary action.

Section 2. Eligibility for Authorized Expenditures. (1) A county or merged government eligible to receive EMS grant funding shall be authorized to spend funds based upon a tiered level of compliance with 202 KAR Chapter 7.

(2) An eligible county or merged government shall meet the requirements for one (1) of the following tiers:

(a) A Tier I applicant shall be an agency that maintains a primary EMS 911 ground ambulance service that is substantially compliant with 202 KAR 7:501 but has documented violations requiring on-going plans of correction that are addressed and may be eliminated by the award of EMS grant funds;

(b) A Tier II applicant shall be an agency that maintains a primary EMS 911 ground ambulance service that has operated free of documented violations requiring on-going plans of correction for one (1) inspection cycle;

(c) A Tier III applicant shall be an agency that maintains a primary EMS 911 ground ambulance service that has operated free of violations for two (2) or more inspection cycles; and

(d) A Tier IV applicant shall consist of a group of Tier III applicants eligible to combine EMS grant funds for the common good of their primary EMS 911 ground ambulance services.

(3) A county or merged government may request reconsideration of the tier into which the county or merged government has been placed. Each request shall be acted upon within forty-five (45) days of the office's receipt of the request for reconsideration of the time limits established in this administrative regulation.

(4)(a) If the office of the board denies the request to change the applicant's tier, the applicant may appeal the decision to the board.

(b) The board's decision after appeal shall be final.

Section 3. Application Requirements. (1) An applicant for EMS grant funds shall fully complete all portions of the County Application, Kentucky Ambulance Grant, KBEMS G-1, and the Agency Application, Kentucky Ambulance Grant, KBEMS-G2.

(2) Each application shall be received by January 31 of each year. An applicant shall not receive EMS grant funds if the application is not filed on or before January 31.

(3) Each application shall include an itemized list of items intended to be purchased with EMS grant funds and a narrative justification for the purchase of those items. An application that does not include the itemized list or the narrative justification shall be returned by the board office and shall not be timely filed if the applicant does not resubmit the revised application by the filing deadline established in subsection (2) of this section.

(4) Each applicant shall identify on the application which agency or agencies will receive the EMS grant funds sought in the application process.

(5) If the applicant intends for more than one (1) agency to receive funds, the applicant shall specifically identify every agency to which funds shall be dispersed.

(6) The service director or ambulance board chair of an agency receiving funds from an applicant shall certify that the agency:

(a) Is a licensed Class I ground ambulance service in the state of Kentucky;

(b) Acknowledges, understands, and agrees to comply with the requirements and duties of KRS 311A.155 and this administrative regulation;

(c) Has not made a false statement or misrepresentation on the application and that falsely certifying shall subject the agency to reimbursement of funds to KBEMS and sanctions pursuant to KRS 311A.060; and

(d) Shall not misuse funds and that doing so shall require the agency to reimburse those funds to KBEMS and shall subject the agency to sanctions pursuant to KRS 311A.060.

(7) An applicant county or merged government shall submit the County Application, Kentucky Ambulance Grant, KBEMS G-1, with the county judge executive's signature or an agent duly authorized by the applicant. A duly authorized agent may include, for example, a chief administrative officer for the applicant, but shall not include a person unable to legally bind the applicant.

(8) An applicant shall certify on the County Application, Kentucky Ambulance Grant, KBEMS G-1 that the county or merged government:

(a) Acknowledges, understands, and agrees to comply with the requirements and duties of KRS 311A.155 and this administrative regulation;

(b) Has not made a false statement or misrepresentation on the County Application, Kentucky Ambulance Grant, KBEMS G-1, and that falsely certifying shall subject the applicant to reimbursement of funds to KBEMS and sanctions pursuant to KRS 311A.060;

(c) Shall not misuse funds and that doing so shall subject the applicant to reimbursement of those funds to KBEMS and sanctions pursuant to KRS 311A.155(5) and 311A.050; and

(d) Shall be jointly responsible for ensuring that all purchases and expenditures of block grant funds are authorized and allowable pursuant to KRS 311A.155 and this administrative regulation.

(9) The board shall vote to approve or disapprove the County Application, Kentucky Ambulance Grant, KBEMS G-1, for block grant funds if the application designates for receipt of funds an agency that is currently undergoing or is the subject of proposed sanctions pursuant to KRS Chapter 311A.

Section 4. Application for Change of Items. (1) An applicant wishing to spend awarded funds on items not approved in the agency application shall submit the Ambulance Grant Substitute Item Form, KBEMS-G3, to remove the approved items and substitute different items for purchase.

(2) A substituted item purchased without notification to and approval from KBEMS shall be misuse of grant funds and shall subject the applicant to sanctions pursuant to KRS 311A.060.

(3) Authorization for substitute items shall not be approved retroactively. An approval for a substitution shall be sought prior to purchase.

(4) The County Application, Kentucky Ambulance Grant, KBEMS G-1, for approval shall contain signatures of the agency to which the funds were dispersed as well as the applicant's authorized agent.

Section 5. Funds Management. (1) Upon award of block grant funds, the applicant, the receiving agencies, and KBEMS shall execute a grant agreement that outlines the relevant statutory and regulatory requirements, duties, and obligations of all parties.

(2) Every grant agreement shall bear the signatures of the applicant's authorized agent, the service director or ambulance board chair of each agency receiving the funds from the applicant, and the executive director of KBEMS.

(3) Funds shall not be dispersed until the grant agreement is signed and dated by the parties required in this section of this administrative regulation.

(4) The grant agreement shall require that the applicant and the receiving agency authorize KBEMS to conduct an audit of records relevant to use of the awarded funds.

Section 6. Allowable Expenditures. (1) Awarded funds shall only be spent on authorized purchases.

(2) Authorized purchases shall be determined by the tier for which the receiving agencies are eligible.

(3) Authorized purchases for the tiers are as follows:

(a) Tier I services shall be authorized to spend awarded funds on items, equipment, and training for personnel only if those purchases are necessary for the agencies to meet the minimum requirements of 202 KAR 7:501;

(b) Tier II services shall be authorized to spend awarded funds on any items, equipment, or training for personnel that fall under Tier I. In addition, Tier II eligible services shall be authorized to spend awarded funds on pre-approved educational tools and items;

(c) Tier III services shall be authorized to spend awarded funds on an item from Tier I or II, plus outside EMS related class registrations, items appearing on the Federal Emergency Management Agency Approved Equipment List, www.fema.gov, and additional items if applied for and approved by the board based on current applicability to EMS standards of medical practice and promotion of public health and safety; or

(d) Tier IV services may organize as a cooperative of agencies consisting of services that qualify for Tier III. Cooperative agencies shall be allowed to pool awarded funds for the purchase of items beneficial to multiple counties within the cooperative.

(4) If seeking reimbursement for the conduct of authorized educational courses, only expenses directly related to courses or training shall be authorized. Block grant funds shall not be used for reimbursement of participants' travel, food, gas, lodging, or incidental expenses related to EMS classes.

Section 7. Cooperative of Agencies. (1) A cooperative of agencies shall consist of a minimum of two (2) agencies.

(2) Each agency within a cooperative shall have on file current mutual aid agreements that existed prior to and extend past the current grant award period. An agency that does not have a current and ongoing relationship shall not be allowed to enter into a cooperative agreement.

(3) Items or equipment purchased with the grant funds awarded to an agency within a cooperative shall benefit each member agency of that cooperative.

(4) Each applicant shall agree that the agencies to which they disperse money may enter into the cooperative of agencies for the benefit of the inhabitants within the county or area of the merged government.

(5) Each agency included in a cooperative of agencies shall enter into and submit to KBEMS a cooperative agreement approved by the board that includes, at a minimum:

(a) Where ownership of the equipment shall reside;

(b) Who shall maintain and repair the equipment;

(c) Certification that all parties to the cooperative of agencies shall have access to the equipment;

(d) An agreed and approved protocol for the possession, access, use, and replenishment of items or equipment obtained with grant funds;

(e) A narrative justification for the purchase of the equipment;

(f) A process for discarding the equipment if it becomes obsolete;

(g) An agreed statement of liability distribution; and

(h) The signatures and certifications of truthfulness of each party to the cooperative of

agencies, the applicant counties or merged governments, and the chair of KBEMS.

(6) In addition to the agency application, representatives of the cooperative of agencies and the applicant counties or merged governments shall appear at a regular meeting of the board to present an explanation of and justification for the use of combined funds.

(7) Tier IV cooperatives shall not be authorized without affirmative vote of the board.

Section 8. Accountability. (1) Each applicant that receives funds and each agency to which the applicants disperse funds shall be jointly accountable for use of the money.

(2) Each applicant and agency shall submit a Grant Accountability of Funds, KBEMS-G4, that includes at a minimum:

- (a) Itemization of all purchases;
- (b) Attached receipts for all purchases; and
- (c) Included packing slips or invoices.

(3) If an applicant or agency maintains carry-over funds in accordance with KRS 311A.155(5), the applicant or agency shall submit proof of the continued availability of those funds. Proof may include, for example, a bank statement, a letter from the designated county or government official, a budgetary line-item, or other evidence sufficient to account for the unused, carry-over funds.

(4) Failure to submit documents accounting for grant funds by the deadline established in Section 9 of this administrative regulation shall subject the applicant or agency to being ineligible for further award of block grant funds.

(5) The board may request documentation of purchases and expenditures during the grant cycle. Failure to comply with this request shall make an applicant or agency ineligible for further award of grant funds.

(6) An agency that fails to comply with subsections (4) or (5) of this section shall also be subject to discipline pursuant to KRS 311A.060.

Section 9. Time limits and Deadlines for Block Grant Funds Awards. (1) Agency application for block grant funds shall be postmarked or received by January 31 of each year.

(2) Accounting required pursuant to Section 8 of this administrative regulation shall be postmarked or received by March 15 of each calendar year.

(3) The office of the board shall supply notification to the applicants and agencies of their grant award no later than April 30 of each calendar year.

(4) The office of the board shall make payment of grant funds to applicants no later than August 31 of each calendar year.

Section 10. Review of Grant Applications. (1) A grant application shall be subject to review by the office of the board and other entities relevant to the award process.

(2) Review of applications shall include:

(a) Level One Review, which shall determine completeness of the application. An incomplete application shall be rejected, and if still within the deadline for application, the incomplete areas may be cured and resubmitted. If outside the application deadline, resubmission shall not be accepted; and

(b) Level Two Review, which shall determine regulatory compliance and appropriateness of expenditures.

(3) Approval authority for grant applications and purchase authorization shall be the:

(a) Executive director for Tier I and II applicants;

(b) Executive director for Tier III applicants who request purchases or expenditures at the Tier I or II level;

(c) Board for Tier III applicants with request for purchases or expenditures at the Tier III level; and

(d) Board for Tier III applicants that fall within the Tier IV Cooperative of Agencies level.

(4) All Tier I or II purchases shall be consistent with Section 6(3)(c) of this administrative regulation and approved prior to purchase. Exemption from or waiver of pre-approval shall not be permitted.

(5) Tier III and IV applications and purchase authorizations may be recommended for:

(a) Full approval;

(b) Approval with modifications; or

(c) Denial.

(6) Tier III and IV applicants may request reconsideration of approval with modifications by submitting new evidence of justification for their request at the next regular board meeting or at a meeting specially called by the chair of the board.

(7) Tier III and IV applicants may request reconsideration of denial by submitting new evidence of justification for their request at the next regular board meeting or at a specially called meeting.

(8) New proposals, if applicable, shall be considered during a request for reconsideration.

(9) A second denial of a Tier III or IV application or authorization for purchases shall be final and shall result in a default to Tier I or II purchases or expenditures that shall meet all requirements of this administrative regulation.

Section 11. Grant Program Management. (1) Implementation and management of the grant program may include employment of an individual with primary responsibility of managing the block grant fund program.

(2) Other responsibilities shall include:

(a) Research of and application for additional EMS grant sources and funding streams that benefit KBEMS' regulatory obligations to licensed and certified agencies; and

(b) Assistance to licensed EMS agencies in their efforts to locate and obtain other EMS grants.

(3) Employment of the grant management employee shall be dependent upon the availability of budgetary funds.

Section 12. Statewide Initiatives. (1) The board shall reserve a portion of the block grant funds appropriated to it by the legislature if a unanimous vote of the board determines:

(a) That a statewide initiative is necessary to further one (1) or more of the statutory functions of the board in KRS 311A.035; or

(b) A portion of the funds shall be distributed to assist agencies in meeting a federal or state mandate relevant to EMS.

(2) KBEMS shall not reserve funds for statewide initiatives in consecutive years.

(3) Notification of reservation of funds shall be sent to all eligible applicants and agencies by September 1 of the calendar year prior to the grant cycle.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "County Application, Kentucky Ambulance Grant", KBEMS-G1, 1/2013;

(b) "Agency Application, Kentucky Ambulance Grant", KBEMS-G2, 1/2013;

(c) "Ambulance Grant Substitute Item Form", KBEMS-G3, 1/2013; and

(d) "Grant Accountability of Funds", KBEMS-G4, 1/2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Emergency Medical Services, 300 North Main Street, Versailles, Kentucky 40383, Monday through Friday, 8:30 a.m. to 4:30 p.m. (27 Ky.R. 3438; Am. 28 Ky.R. 594; eff. 9-10-2001; 29 Ky.R. 1311; 1763; eff. 1-15-2003; 39 Ky.R. 2056; 40 Ky.R. 278; eff. 8-21-2013.)